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*Attorneys for Intervenor Claimant  
 Lucas E. Buckley as Trustee of the  
 Gox Victim Bitcoin Trust*

THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Approximately 69,370 Bitcoin (BTC), Bitcoin  
 Gold (BTG), Bitcoin SV (BSV), and Bitcoin  
 Cash (BCH) seized from  
 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx,

Defendant,

Lucas E. Buckley, as Trustee of the Gox  
 Victim Bitcoin Trust,

Claimant.

Case No. 20-7811 RS

HON. RICHARD SEEBORG  
 United States District Judge  
 Courtroom 3

**VERIFIED ANSWER TO FIRST  
 AMENDED VERIFIED COMPLAINT  
 FOR FORFEITURE *IN REM***

Case Filed: November 5, 2020

FAC Filed: November 20, 2020

Trial Date: TBD

**DEMAND FOR JURY TRIAL**

Claimant Lucas E. Buckley, as Trustee of the Gox Victim Bitcoin Trust (“Claimant”), by  
 and through his undersigned counsel, hereby files his verified answers and affirmative defenses  
 to Plaintiff’s first amended verified complaint, Docket No. 8, filed on November 20, 2020:

## **NATURE OF THE ACTION**

1. **Answering Paragraph 1**, this paragraph does not contain any substantive allegations requiring a response. To the extent that a response is required, Claimant admits that this is a judicial, *in rem*, forfeiture action. Claimant further admits that the United States alleges herein to have seized approximately 69370.22491543 in Bitcoin (BTC), Bitcoin Gold (BTG), Bitcoin SV (BSV), and Bitcoin Cash (BCH) from 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx (the “Defendant Property”). Claimant lacks personal knowledge or information sufficient to form a belief as to the remaining allegations and conclusions of law in this Section and on that basis denies them. Furthermore, Claimant believes that Claimant has a legitimate interest in the Defendant Bitcoin and denies those interests are subject to forfeiture in this action.

## **JURISDICTION AND VENUE**

2. **Answering Paragraph 2**, this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Claimant denies that this Court has Jurisdiction over the defendant property as alleged in the amended complaint.

3. **Answering Paragraph 3**, this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Claimant denies that venue is proper in the Northern District of California merely because the Plaintiff received a digital transfer of the Defendant Bitcoin while in the Northern District of California, for purposes of seizure, as alleged in the amended complaint.

4. **Answering Paragraph 4**, this paragraph consists of legal conclusions to which no response is required. To the extent a response is required, Claimant denies that intra-district venue is proper in the San Francisco Division within the Northern District of California, as alleged in the amended complaint.

## **PARTIES**

5. **Answering Paragraph 5**, Claimant admits that Plaintiff is the United States of America.

1           6.       **Answering Paragraph 6**, Claimant admits that Defendant Property is  
2 approximately 69370.22491543 in Bitcoin (BTC), Bitcoin Gold (BTG), Bitcoin SV (BSV),  
3 and Bitcoin Cash (BCH) obtained from 1HQ3Go3ggs8pFnXuHVHRytPCq5fGG8Hbhx  
4 (“1HQ3”). Claimant lacks sufficient knowledge or information to form a belief as to the  
5 truth and correctness of the remaining allegations in this paragraph and on that basis denies  
6 them.

7           7.       **Answering Paragraph 7**, Claimant lacks sufficient knowledge or  
8 information to form a belief as to the truth and correctness of the allegations in this  
9 paragraph and on that basis denies them.

10          8.       **Answering Paragraph 8**, Claimant lacks sufficient knowledge or  
11 information to form a belief as to the truth and correctness of the allegations in this  
12 paragraph and on that basis denies them.

13          9.       **Answering Paragraph 9**, Claimant lacks sufficient knowledge or  
14 information to form a belief as to the truth and correctness of the allegations in this  
15 paragraph and on that basis denies them.

16          10.      **Answering Paragraph 10**, Claimant lacks sufficient knowledge or  
17 information to form a belief as to the truth and correctness of the allegations in this  
18 paragraph and on that basis denies them.

19          11.      **Answering Paragraph 11**, Claimant lacks sufficient knowledge or  
20 information to form a belief as to the truth and correctness of the allegations in this  
21 paragraph and on that basis denies them.

22          12.      **Answering Paragraph 12**, Claimant lacks sufficient knowledge or  
23 information to form a belief as to the truth and correctness of the allegations in this  
24 paragraph and on that basis denies them.

25          13.      **Answering Paragraph 13**, Claimant lacks sufficient knowledge or  
26 information to form a belief as to the truth and correctness of the allegations in this  
27 paragraph and on that basis denies them.

1           14.     **Answering Paragraph 14**, Claimant lacks sufficient knowledge or  
2 information to form a belief as to the truth and correctness of the allegations in this  
3 paragraph and on that basis denies them.

4           15.     **Answering Paragraph 15**, Claimant lacks sufficient knowledge or  
5 information to form a belief as to the truth and correctness of the allegations in this  
6 paragraph and on that basis denies them.

7           16.     **Answering Paragraph 16**, Claimant lacks sufficient knowledge or  
8 information to form a belief as to the truth and correctness of the allegations in this  
9 paragraph, which appears to be a continuation of Paragraph 15, and on that basis denies the  
10 allegations in both paragraphs 15 and 16.

11          17.     **Answering Paragraph 17**, Claimant admits that 1HQ3 received a digital  
12 transfer delivering the Defendant Bitcoin. Claimant lacks sufficient knowledge or  
13 information to form a belief as to the truth and correctness of the remaining allegations in  
14 this paragraph and on that basis denies them.

15          18.     **Answering Paragraph 18**, Claimant lacks sufficient knowledge or  
16 information to form a belief as to the truth and correctness of the allegations in this  
17 paragraph and on that basis denies them.

18          19.     **Answering Paragraph 19**, Claimant admits that according to the public  
19 blockchain the Defendant Bitcoin remained in the 1HQ3 account until November of 2020.  
20 Claimant lacks sufficient knowledge or information to form a belief as to the truth and  
21 correctness of the remaining allegations in this paragraph, including footnote No.1, and on  
22 that basis denies them.

23          20.     **Answering Paragraph 20**, Claimant lacks sufficient knowledge or  
24 information to form a belief as to the truth and correctness of the allegations that the  
25 government searched for and observed a specific balance in the 1HQ3 wallet at some point  
26 prior to the Government's seizure. Claimant admits the remaining allegations.

1           21.     **Answering Paragraph 21**, Claimant lacks sufficient knowledge or  
2 information to form a belief as to the truth and correctness of the allegations in this  
3 paragraph and on that basis denies them.

4           22.     **Answering Paragraph 22**, Claimant lacks sufficient knowledge or  
5 information to form a belief as to the truth and correctness of the allegations in this  
6 paragraph and on that basis denies them.

7           23.     **Answering Paragraph 23**, Claimant lacks sufficient knowledge or  
8 information to form a belief as to the truth and correctness of the allegations in this  
9 paragraph and on that basis denies them.

10          24.     **Answering Paragraph 24**, Claimant admits that Plaintiff received a digital  
11 transfer delivering the Defendant Bitcoin. Claimant lacks sufficient knowledge or  
12 information to form a belief as to the truth and correctness of the remaining allegations in  
13 this paragraph and on that basis denies them.

14                                 **VIOLATION**

15  
16          Claimant incorporates by reference his answers to the allegations in paragraphs 1 through  
17 24 above.

18                 **Answering five unnumbered paragraphs**, the allegations in these  
19 paragraphs contain proposed findings of law, legal conclusions, and a prayer for relief to  
20 which no response is required. To the extent a response is required, Claimant lacks personal  
21 knowledge or information sufficient to form a belief as to the allegations and conclusions  
22 of law in this Section and on that basis denies them. Furthermore, Claimant believes that  
23 Claimant has a legitimate interest in the Defendant Bitcoin and denies those interests are  
24 subject to forfeiture in this action. Claimant further denies the alleged crime of Computer  
25 Hacking is properly pleaded in the amended complaint for *in rem* forfeiture.

26                 Unless specifically admitted by Claimant all allegations are denied.  
27  
28

**FIRST AFFIRMATIVE DEFENSE**

**(Failure to State a Claim)**

The amended complaint fails to state a claim upon which relief can be granted pursuant to Fed. R. Civ. P. 12(b)(6).

**SECOND AFFIRMATIVE DEFENSE**

**(Innocent Owner)**

Claimant is an innocent owner of a portion of the Defendant Bitcoin pursuant to 18 U.S.C. § 983 and other applicable law.

**THIRD AFFIRMATIVE DEFENSE**

**(Constructive Trust)**

Claimant has the right to possess, and an interest in, a portion of the Defendant Bitcoin, which right is traceable to the Defendant Bitcoin, and which Bitcoin was stolen or otherwise wrongfully acquired by Individual X or another unknown third party.

**FOURTH AFFIRMATIVE DEFENSE**

**(Jurisdiction)**

The Court lacks jurisdiction over the Defendant Bitcoin, as alleged in Plaintiff's *in rem* forfeiture claim.

**FIFTH AFFIRMATIVE DEFENSE**

**(Venue)**

The Venue chosen by Plaintiff is neither proper nor convenient.

**SIXTH AFFIRMATIVE DEFENSE**

**(Eighth Amendment)**

Forfeiture of the defendant property would constitute a violation of the Eighth Amendment to the United States Constitution.

**SEVENTH AFFIRMATIVE DEFENSE**

**(Subsequently Discovered Defenses and Reservation)**

1 Claimant may learn of additional facts and defenses during discovery in this matter.  
2 Claimant thus reserves his right to amend these answers and the affirmative defenses.

3 **PRAYER FOR RELIEF**

4  
5 1. That Plaintiff's prayer for relief in the form of the forfeiture of the  
6 Defendant be denied at least with respect to the portion owned by Claimant.

7 2. That Claimant be awarded its costs incurred in defending a portion of the  
8 Defendant Bitcoin as permitted by law, including but not limited to reasonable attorney's  
9 fees; and.

10 3. For such other relief as the Court deems proper.

11 **JURY DEMAND**

12 Claimant hereby demands a jury on all triable issues and defenses.

13  
14  
15 Dated: March 9, 2021

16 **HECHT PARTNERS LLP**

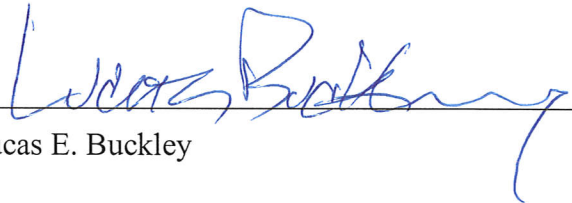
17 By: /s/ Maxim Price  
18 Maxim Price (admitted *pro hac vice*)  
19 Kathryn Lee Boyd (SBN 189496)  
20 David L. Hecht (admitted *pro hac vice*)  
21 Alan Alvela (admitted *pro hac vice*)

22 *Attorneys for Intervenor Claimant*  
23 *Lucas E. Buckley as Trustee of the*  
24 *Gox Victim Bitcoin Trust*

**VERIFICATION**

I, Lucas E. Buckley, as Trustee of the Gox Victim Bitcoin Trust, am the representative of the Gox Victim Bitcoin Trust for the purpose of answering the amended complaint for *in rem* forfeiture in the above-styled case. My answers to that amended complaint, Docket No. 8, are true to the best of my knowledge, information, and belief. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 9<sup>th</sup> day of March, 2021

  
\_\_\_\_\_  
Lucas E. Buckley

**CERTIFICATE OF SERVICE**

I hereby certify and declare under penalty of perjury that on this March 9, 2021, a true and correct copy of **Claimant Lucas E. Buckley's, Answer to the First Amended Complaint for *In Rem* Forfeiture** was served using the CM/ECF system, which will automatically send e-mail notifications of the filing to all counsel of record for the parties.

Dated: March 9, 2021

/s/Maxim Price

Maxim Price